

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Cornelius Earl Arrington

Docket No. 5:02-CR-64-2BO

Petition for Action on Supervised Release

COMES NOW Linwood E. King, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Cornelius Earl Arrington, who, upon an earlier plea of guilty to Possession With Intent to Distribute at Least 5 Grams of Cocaine Base (Crack) and Aiding and Abetting, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 4, 2002, to the custody of the Bureau of Prisons for a term of 76 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
4. The defendant shall support his or her dependants.

Cornelius Earl Arrington was released from custody on September 22, 2006, at which time the term of supervised release commenced.

On February 18, 2009, the defendant's conditions of release were modified to include drug treatment and alcohol abstinence.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 14, 2010, the defendant was charged with Possession of Drug Paraphernalia (10CR760883) and Possession of Open Container of Alcohol in Vehicle (10IF730754) in Wake County, North Carolina. According to the citation prepared by Raleigh Police Department Officer, D.C. Twiddy, on August 14, 2010, the defendant was observed sleeping in his cousin's vehicle in the parking lot of T.G.I.F.'s Restaurant, Raleigh, NC. The officer knocked on the window of the vehicle to confirm that the defendant was coherent. Arrington briefly spoke to the officer and granted consent for a search of his cousin's car. The search resulted in the discovery of a marijuana

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grinder within the glove compartment. The defendant's cousin claimed ownership of the drug paraphernalia, but the officer also charged Arrington due to his proximity within the vehicle. The defendant was cited to court for same, and his court date remains pending in Wake County District Court. The court should note that the defendant promptly contacted this officer to inform him of the incident. To address this citation, we are recommending that Arrington be allowed to perform 24 hours of community service in light of his poor decision to associate with individuals involved in illegal drugs.

The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, the \$200 fee is waived.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 642
Raleigh, NC 27601-1441
Phone: (919) 861-8682
Executed On: August 27, 2010

ORDER OF COURT

Considered and ordered this 27 day of August, 2010, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge